

DEC 02 2005

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

) Group Art Unit: 1742

KODAS et al.

) Examiner: Ngoclan Thi Mai

Serial No.: 10/758,866

) PETITION TO WITHDRAW HOLDING OF
) ABANDONMENT
) (37 C.F.R. § 1.181)

Filed: January 16, 2004

Confirmation No.: 8009

Atty. File No.: 41890-01684

For: "COPPER POWDERS, METHODS
FOR PRODUCING POWDERS AND
DEVICES FABRICATED FROM SAME"

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted via facsimile to the
U.S. Patent and Trademark Office (703-872-9306) on the date shown
below.Print or Type Name: Lynn PenneywellSignature: [Signature]Date: December 2, 2005Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant is submitting this Petition for revival of the above-identified application. A Notice of Abandonment was mailed on November 21, 2005, stating that Applicant failed to timely pay the required Issue Fee and Publication Fee.

However, a Notice of Allowance and Fee(s) Due was never received by the Applicant and therefore it is not believed that any fees are due with respect to this Petition. However, if any such fees are owed, please debit such fees to Deposit Account No. 50-1419.

A statement of the pertinent facts is as follows:

1. On January 25, 2005, the U.S. Patent Office mailed a Notice of Allowance and Issue Fee(s) Due with respect to the above-identified application.

2. On April 25, 2005, within the time period for responding to the Notice of Allowance and Issue Fee(s) Due, Applicant filed a Request for Continued Examination (RCE) along with an Information Disclosure Statement (IDS). A true and correct copy of this submission is attached in Exhibit A, including the stamped post card indicating receipt of the RCE and IDS by the Patent Office.

3. On October 31, 2005, the U.S. Patent Office mailed a Supplemental to Notice of Allowability, indicating receipt and consideration of the IDS.

4. On November 21, 2005, the U.S. Patent Office mailed a Notice of Abandonment with regard to this application. A copy of this Notice is attached in Exhibit B.

5. No Notice of Allowance and Issue Fee(s) due was received by the undersigned representative subsequent to the RCE filing. A search of the file jacket and docket records indicates that no such communication was received. A copy of the docket record where the non received action would have been entered had it been received and docketed is attached in Exhibit C.

6. In a telephone conference with Examiner Ngoclan Mai, Examiner Mai indicated that she had no record of having received the RCE filed on April 25, 2005.

In view of the foregoing, Applicant requests withdrawal of this holding of abandonment and requests that a Notice of Allowance and Issue Fee(s) Due be mailed by the Office with respect to this application.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

David F. Dockery
Registration No. 34,323
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(303)338-0997
(303)338-1514

Date: December 2, 2005